UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

November 20, 2009

Deschutes and Ochoco National Forests
Travel Management Project
172 E 500 S
Bountiful, UT 84010

RE: U.S. Environmental Protection Agency (EPA) review and comments for the Deschutes National Forest, Ochoco National Forest and Crooked River National Grassland (Forests) Travel Management Project Draft Environmental Impact Statement (DEIS). EPA Project Number: 08-034-AFS

Dear Ms. Chaudet:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement.

We strongly support your efforts to comply with the Final Travel Rule. This project's proposed reductions in motorized access off designated routes and for dispersed camping will likely result in significant environmental benefits. We also commend the Forests for their sustained coordination with their Federal Advisory Committee and modifications to the proposed action – perhaps most notably the special provision requirement for Inventoried Roadless Areas.

We have two primary concerns with the DEIS. First, we believe that there may be opportunities to reduce the risk of invasive plant spread and adverse impacts to native plants and heritage resources that remain unexplored. We are supportive of the identification of non-riparian special provision areas under Alternative 2, and we recommend that you expand this network. Second, we remain concerned about the Forests' identification and designation of a minimum system. We understand that this project focuses on 36 CFR 212.50 (b), but we maintain that the process by which the Forests intend to comply with 36 CFR 212.5 (b) (1) should be described in the forthcoming Final EIS (FEIS).

In addition to these primary concerns our enclosed detailed comments address our concerns with impacts from roads and their motorized use on water quality and wildlife. Finally, we offer perspectives on your climate change analysis and provide – based on our review of this and other Travel Management Projects – a series of Implementation and Administration recommendations for the FEIS.

We are rating the DEIS Environmental Concerns – Insufficient Information (EC-2). This rating is based on our environmental concerns associated with Alternative 2's continuing

motorized access off designated routes (e.g., mineral materials sites); continued opportunities to create new dispersed camping sites, and, continued designation of over 8,000 miles of roads. We also have some concerns related to the readability of the document, and the consistency of information presented. Some of those concerns have been detailed in the enclosed comments. Others have been conveyed to the Forest by phone and/or email.

Thank you for this opportunity to comment and if you have any questions or concerns please contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov.

Sincerely,

Teresa Kubo, Acting Manager
Environmental Review and Sediment Management Unit

Enclosures:

EPA REGION 10 DETAILED COMMENTS FOR THE DESHCUTES NATIONAL FOREST, OCHOCO NATIONAL FOREST AND CROOKED RIVER GRASSLAND (FORESTS) TRAVEL MANAGEMENT PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Special Provisions – Non Riparian

We agree with your conclusion that there are "...some locations with greater sensitivity to motorized access for dispersed camping than others where special provisions or prohibitions should be considered" and commend the Forests for proposing to limit motorized access for dispersed camping on over 46,000 acres in Alternative 2. We believe that the special provisions' will be especially important for reducing the risk posed by invasive plants. Special provisions – non-riparian may also provide extra protection for at-risk heritage resources and special habitat areas for native plants.

Alternative 2's Special Provision Area's – Non-Riparian are based on the "Criteria for Special Provision Areas or Areas Closed to Motorized Access for Dispersed Camping Within 300 Feet of Open Designated Routes." These criteria explicitly mention "invasive plant populations". The criteria do not, however, explicitly mention special habitat areas for native plants or heritage resources. The DEIS does not clearly disclose how each of these three issues influenced the identification of non-riparian special provision areas.

Recommendations:

We recommend that the FEIS include additional information on the criteria and process used to identify the 31,246 acres on the Deschutes and 15,325 acres on the Ochoco that would be open to motorized access for dispersed camping under special provisions – non-riparian. The FEIS's Chapter 2 should more fully describe wherever resource concerns - such as special habitat areas for native plants - influenced the designation of upland special provision areas.

We also recommend that the FEIS address the following recommendations for modifications to Alternative 2's Special Provision Areas – Non-Riparian.

Special Habitat for Native Plants

We are concerned that over 12,000 acres (Table 3-125) of special habitat for native plants would be open under Alternative 2 to motorized access for dispersed camping with general provisions. We recommend that the FEIS designate these areas – or some additional proportion of these areas - as Special Provision Areas – Non-Riparian.

Invasive plants

We are concerned that 16% and 7% of the known upland occupied invasive plant acres on the Deschutes and Ochoco/ Crooked River would be within areas open for motorized access for dispersed camping with general provisions under Alternative 2. General provisions increase the risk for invasive plant spread by allowing the creation of new dispersed camping sites. We note that the "Criteria for Special Provision Areas..." include "invasive plant populations" and this project's invasive plant prevention strategy includes, "Some routes with known high levels of aggressive invasive plants would

prohibit motorized access for dispersed camping within 300' of designated routes." (DEIS, p. 204). We remain unclear, however, to what extent these known upland occupied invasive plant acres influenced the identification of special provision areas – non riparian for Alternative 2.

We recommend that the FEIS describe the extent to which known upland occupied invasive plant acres influenced the identification of special provision areas – non-riparian. We further recommend that the Forests strive to reduce the area of occupied invasive plants open under general provisions in a modified Alternative 2.

We are also concerned about the high risk of introducing and spreading invasive plants from the proposed 52 open mineral materials source sites. We recommend that the FEIS consider mitigation measures to reduce the risk of OHV use in materials source sites. For example, consider closure, special signage and/or washing areas in particularly high risk materials sites.

Heritage Resources

We appreciate your quantification of the known heritage sites that would remain vulnerable to motorized access for dispersed camping under Alternative 1 - over 3,300 (p.117). We are unsure how many of these sites would remain vulnerable under Alternatives 2 and 3. Such a comparative quantification would help to more sharply compare the predicted benefits to Heritage Resources of Alternatives 1, 2 and 3.

We recommend that the FEIS disclose, if possible, the different number of known heritage sites which would "remain vulnerable" to motorized access for dispersed camping under Alternatives 2 and 3. Where Alternative 3 (or simply "special provisions – non-riparian") would result in substantially increased protection for known heritage resources we recommend the consideration of special provisions for that area.

Minimum System

Where roads and trails cause environmental damage we strongly recommend closure and decommissioning. We commend the Forests for the over 1,200 miles of road closures and decommissioning that have been accomplished since the early 1990s.

We appreciate the DEIS's description of the Forest Service's December 9, 2008 Final Directive which separates 36 CFR 212.5 (b) (1) from 36 CFR 212.51 and we understand that this project addresses the latter. We continue to believe, however, that every project with travel management elements is an opportunity to reduce continuing road related adverse impacts on forest resources. With this perspective in mind we are concerned that the DEIS does not sufficiently describe the process that the Forests will follow to meet the requirements of 36 CFR 212.5 (b) (1).

Recommendation:

We recommend that the FEIS include additional information on how future Motor Vehicle Use Maps (MVUM) will be used to identify and designate a "minimum system". A brief summary of the Forests' planned MVUM update process would be helpful.

Please also describe: (i) the Travel Analyses and NEPA processes which would be required, and, (ii) the role your 2003 Roads Analysis, the FEIS for this project and/or other relevant analyses will likely play.

Hydrology

Motorized use – on and off designated routes – is often a primary source of sediment to streams. We respect the Forests' historical efforts to close and decommission problematic roads and to conduct travel analyses for each project. These efforts have and will continue to lead to substantial water quality improvements.

This Travel Management Project represents another opportunity to continue reducing road related sediment risk to streams. We are especially interested in potential opportunities for sediment reduction in the Trout Creek Sub Basin (8 streams within which have been 303(d) listed for sediment by the Oregon Department of Environmental Quality). Our two related water quality concerns and recommendations are detailed below.

First, the DEIS states that, "There is currently no state water quality standard for sediment." (DEIS, p. 154). However, Oregon appears to have a sediment-related Statewide Narrative Criterion. Oregon Administrative Rule 340-041-0007 (12) states, "The formation of appreciable bottom or sludge deposits or the formation of any organic or inorganic deposits deleterious to fish or other aquatic life or injurious to public health, recreation, or industry may not be allowed;"[1] The DEIS does not address this narrative criterion.

Second, the Sediment sub-section of the environmental effects for Hydrology concludes that, "Alternative 2 and 3 would meet state water quality standards for turbidity" (DEIS, p. 175). It is unclear, however, whether the same determination could be made for Alternative 1. Understanding Alternative 1's sediment and turbidity water quality standards consistency would help to more sharply define the environmental differences between it and Alternatives 2 and 3.

Understanding Alternative 1's predicted sediment inputs would also help to disclose the relative sediment inputs associated with unauthorized roads, open roads, cross-country travel, motorized access off designated routes and motorized access for dispersed camping. Given that the Final Travel Rule addresses all of these aspects of travel management we believe it is important to fully understand the whole suite of travel related sediment inputs.

Recommendation:

To more fully understand the proposed action's consistency with Clean Water Act requirements we recommend that the FEIS address OAR 340-041-0007 (12).

We are especially interested in the extent to which the Forests believe relevant sediment impairments are a result of the over 8,000 miles of roads proposed to be designated under the action alternatives versus sediment contributions resulting from motorized access off designated routes and for dispersed camping. A useful piece of information to disclose and analyze may be the proportion of the 8,000 miles proposed to

[1] http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/340_041.html

remain open which are adjacent to (within 50 feet) or near (within 300 feet) of streams (especially 303(d) listed streams).

Please also disclose, to the best extent possible, how relevant sediment Total Maximum Daily Loads (TMDL) and/or the Forests' Water Quality Restoration Plans may influence the future development of Motor Vehicle Use Maps (MVUM). Additional information on efforts to reduce sediment input to streams will help to ensure that this project is consistent with the Forests past and projected efforts to attain water quality standards.

Wildlife

While we agree that reducing motorized access off designated routes and for dispersed camping will lead to benefits for wildlife we do not believe that the DEIS sufficiently discloses the environmental impacts of continuing the open designations for over 8,000 miles of roads. For example, we are unsure how the designation of a motorized network that is predicted to continue resulting in the "disruption of life functions and activities" for many species on over one third of the Forests results in "No Impact" determinations and is consistent with relevant Standards and Guidelines (DEIS, p, 286).

Recommendation:

To more sharply define issues of motorized travel management and wildlife we recommend that the FEIS include additional information on (i) the criteria used to make "No Impact" sensitive species determinations for Alternative 1, and, (ii) the consistency of Alternative 1 with the Forests' wildlife related Standards and Guidelines. Because this project proposes to designate the current system of routes we believe it is necessary to understand the environmental consequences of that current system on wildlife. Endangered Species Act and Standards and Guidelines consistency determinations and analysis for Alternative 1 would help to better inform the public and the decision maker of the route designation aspect of this project's environmental consequences.

Implementation and Administration

We believe that providing for motorized recreation that does not harm sensitive environmental resources can be as much a function of the effective implementation and administration of the MVUM as it is a function of the specific combination of designated routes. We are concerned that there is no comprehensive section on this important aspect of travel management.

Recommendations:

We recommend that the FEIS include a comprehensive section on implementation and administration. The following recommendations - taken directly from the 5/20/2009 report, "National Assessment of Travel Management Planning: Challenges, Recommendations, and Best Practices for Public Involvement". – are provided to assist your development of this section.

- Develop supplementary navigational maps in conjunction with the MVUM (E.g., Fishlake National Forest in Utah has been noted for its color maps).

- Improve enforcement through collaboration. See, for example, http://www.idaho-ohv.org to learn more about the Idaho Off-Highway (OHV) Public Information Project.
- Identify likely problem areas for compliance and enforcement (e.g., traditional dispersed camping areas proposed to be closed).
- Consider special signage about the environmental impacts of firewood gathering in snag habitat.
- Develop partnerships to leverage resources. See "The National Assessment of Travel Management Planning" (footnote 1) for:
  - "Example Charter (Protocols and Ground Rules) for Collaborative Stakeholder Involvement." (p. 79)
  - "Example of Volunteer Recruitment (Building Partnerships)" (p. 76)
  - "Example of User Education: Sharing Resources" (p. 84)

Climate Change

We appreciate the DEIS's analysis of the project's impact on climate change but do not believe the DEIS sufficiently describes the impacts of climate change on the project. We are concerned about the DEIS's conclusion that, "...potential changes in climate will have no effect on the designation of motorized routes..." (DEIS, p. 359). We believe that the likely impacts of climate change should indeed influence the designation of motorized routes. Or, in other words, the designation of motorized routes should be influenced by the need to implement adaptive strategies that protect forest resources from the potentially significant adverse impacts of a changing climate.

We support the Forest Service's January 16, 2009 guidance regarding the incorporation of climate change science in to project-level NEPA documents. For this project we believe the guidance on adaptive strategies is particularly relevant, "..., projects designed to restore the health, resilience, and productivity of forested ecosystems may also improve the capability of the stands or landscape to withstand climate change stresses." (DEIS, p. 360). Consistent with this aspect of the guidance the DEIS identifies a climate change adaptation related need, "Higher peak flows resulting from rain on snow events and high intensity summer thunderstorms could result in increased surface and channel erosion especially in the scab stringer country." (DEIS, p. 360). We believe this is a good example of how climate change could exacerbate sediment problems in streams.

Recommendation:

We recommend that the FEIS more fully discuss the climate change adaptation aspects of this project. For example, please address how this project fits into the Forests' broader climate change adaptation strategy.

Suggested Climate Change References

EPA understands that many questions surrounding climate change remain unanswered, including what effects climate change might have on the resources impacted by travel management planning. We believe the following resources, and especially those from the USFS's Climate Change Resource Center, may prove useful as background for any climate change impacts and adaptation discussion.

Botkin, D.B. et al., 2007. Forecasting the effects of global warming on biodiversity. Bioscience 57, 227–236.

Grace, J., Berninger, F., Nagy, L., 2002. Impacts of climate change on the tree line. Annals of Botany 90, 537–544.

Morin, X., Thuiller, W. 2009. Comparing niche- and process-based models to reduce prediction uncertainty in species range shifts under climate change. Ecology, 90(5), 1301-1313

Opdam, P., Wascher, D., 2004. Climate change meets habitat fragmentation: linking landscapes and biogeographical scale levels in research and conservation. Biological Conservation 117, 285–297.

Peterson, David L., McKenzie, Don. 2008. Wildland Fire and Climate Change. (May 20, 2008). U.S. Department of Agriculture, Forest Service, Climate Change Resource Center. http://www.fs.fed.us/ccrc/topics/wildland-fire.shtml

Ruggiero, Len; McKelvey, Kevin; Squires, John; Block, William. 2008. Wildlife and Climate Change. (May 20, 2008). U.S. Department of Agriculture, Forest Service, Climate Change Resource Center. http://www.fs.fed.us/ccrc/topics/wildlife.shtml

SAP 4.4. Adaptation Options for Climate-Sensitive Ecosystems and Resources | National Forests. http://www.climatescience.gov/Library/sap/sap4-4/final-report/sap4-4-final-report-Ch3-Forests.pdf.